

Walter O'Cheskey  
 Chapter 13 Trustee  
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**IN THE UNITED STATES BANKRUPTCY COURT  
 NORTHERN DISTRICT OF TEXAS  
 ABILENE DIVISION**

IN RE:

ROBERT ALLEN WITHERSPOON

CASE NO: 12-10373-RLJ-13

HEARING DATE: 10/30/2013

HEARING TIME: 11:00 AM

**TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND  
 PLAN MODIFICATION (if required)**

NOW COMES Walter O'Cheskey, Chapter 13 Trustee, and files this Proposed Trustee's Recommendation Concerning Claims and Plan Modification (if required) in accordance with Bankruptcy Rule 3007 and General Order 2010-01 and would respectively show unto to the Court as follows:

**I.**

**OBJECTION -- NO PROOF OF CLAIM FILED**

The following creditors were scheduled by the Debtor(s). No Proof of Claim has been filed by them or on their behalf, as required by Bankruptcy Rule 3002(a). The bar date for filing claims pursuant to Bankruptcy Rule 3002(c) has passed. Therefore the claims should be DISALLOWED.

Trustee Clm#	Creditor Name	Scheduled Amount	Trustee Clm#	Creditor Name	Scheduled Amount
015 0 U	CHASE	\$4,952.00	016 0 U	CHASE	\$12,477.00
017 0 U	DATATRAC-SENECK MATHE	\$552.00	019 0 U	ENHANCED RECOVERY CORP	\$323.00
021 0 U	GEMB/LOWES	\$280.00			

**II.**

**SPECIFIC OBJECTIONS**

No Objections

**III.**

**TRUSTEE'S RECOMMENDATIONS CONCERNING ALLOWED CLAIMS**

The Trustee hereby recommends the ALLOWANCE of the following claims for the amount and in the class as listed below.

Trustee Claim #	Creditor	Collateral / Description	Claim Amount	Value	%	Term	Paid / Treated
<b>SECURED CREDITORS</b>							
008 0	CITIFINANCIAL RETAIL SERVICES	LIVING ROOM SET		\$3,500.00	10.00%	60	\$49.97 PAID BY TRUSTEE
		No claim filed. No payment shall be made until a proof of claim is filed!					
009 0	STATE FARM BANK FSB	2008 CHRYSLER TOWN & COUNTRY	\$18,803.04	\$19,375.66	7.00%	60	\$406.72 PAID BY TRUSTEE
010 0	FORD MOTOR CREDIT COMPANY	2009 FORD EXPLORER	\$22,604.04	\$22,775.71			PD DIRECT BY DEBTOR
011 0	TAYLOR CO CENTRAL APPRAISAL DISTRICT	PROPERTY TAXES	\$0.00	\$164,183.00			PD DIRECT BY DEBTOR
012 0	BANK OF AMERICA	DIRECT PMTS BEGIN 1-2013	\$137,906.36	\$159,900.93			PD DIRECT BY DEBTOR
031 0 *	BANK OF AMERICA	HOME ARREARS THROUGH 12/12	\$15,657.05	\$159,900.93	6.25%	60	\$365.53 PAID BY TRUSTEE

**UNSECURED GENERAL CREDITORS**

Trustee Clm#	Creditor Name	Claim Amount	Trustee Clm#	Creditor Name	Claim Amount
013 0 U	PRA RECEIVABLES MANAGEMENT	\$15,240.52	014 0 U	PRA RECEIVABLES MANAGEMENT	\$8,037.16
	PURCHASES/ASSOCIATES BANK			PURCHASES/BANK OF AMERICA	
018 0 U	DISCOVER FINANCIAL SERVICES	\$13,345.46	020 0 U	PRA RECEIVABLES MANAGEMENT	\$386.30
	PURCHASES			PURCHASES/BELK GEMONEY BANK	
022 0 U	PRA RECEIVABLES MANAGEMENT	\$7,942.94			
	PURCHASES/SEARS				

BECKET & LEE LLP  
PURCHASES/STATE FARM BANK  
*Not provided for in confirmed plan.*

\$6,661.71

040 0 U FRA RECEIVABLES MANAGEMENT

PURCHASES/CITICORP NATIONAL CAPITAL MGM  
*Not provided for in confirmed plan.*

If the Trustee's recommendation concerning any claim differs from the amount indicated in a creditor's Proof of Claim, the recommendation is deemed an objection to such claim. Unless a timely response or objection is filed contesting the Trustee's recommendation, the objection will be sustained and such claim will be allowed only in the amount and in the class indicated.

Any proposed changes by the Debtor that extends the term or lowers the interest rate as to any secured claim contained in the confirmed Plan must be set out in a Debtor's Objection or Response to the Trustee's Recommendation Concerning Claims and noticed to the affected creditor in the absence of a letter agreement between the Debtor and the affected creditor.

#### IV.

#### **TRUSTEE'S PLAN MODIFICATION**

Pursuant to 11 U.S.C. Section 1329, and in accordance with General Order 2010-01 Section 8, the Trustee requests the following Modification of Debtor's(s') Confirmed Plan, subject to feasibility herein:

Trustee's Modification is as follows:

Debtor shall pay 3 payments of \$625.00 beginning 1/17/2013. Then Debtor shall pay 7 payments of \$725.00 beginning 4/17/2013. Then Debtor shall pay 50 payments of \$914.00 beginning 11/17/2013 for a total of \$52,650.00.

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

IF AN OBJECTION IS FILED, A HEARING WILL BE HELD 10/30/2013 AT 11:00 AM CONCERNING THE TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND PLAN MODIFICATION (IF REQUIRED) (TRCC) AT THE FOLLOWING LOCATION:

VIDEO: US COURTHOUSE ROOM 2201, 3RD & PINE, ABILENE, TEXAS 79604

A PRE-HEARING CONFERENCE WITH THE TRUSTEE SHALL BE HELD AT THE SAME LOCATION AT 8:30am. ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE. ANY OBJECTIONS TO THE PLEADINGS NOT RESOLVED OR DEFAULTED AT THE PRE-HEARING CONFERENCE WILL BE HEARD BY THE COURT AT THE HEARING DATE AND TIME ABOVE. TO BE CONSIDERED, ANY OBJECTION OR RESPONSE MUST BE MADE IN WRITING, SERVED ON ALL EFFECTED CREDITORS AND FILED WITH THE COURT WITHIN THIRTY (30) DAYS FROM THE DATE OF SERVICE.

PURSUANT TO GENERAL ORDER 2010-01 SECTION 8(C), UNLESS AN OBJECTION IS TIMELY FILED AS TO THE TREATMENT OF ANY CLAIM OR MODIFICATION, THE CLAIM OR MODIFICATION WILL BE ALLOWED OR APPROVED AS DESCRIBED IN THE TRCC AND SUCH TREATMENT WILL BE FINAL AND BINDING ON ALL PARTIES.

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

I hereby certify that a copy of the foregoing Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) and Notice of Hearing and Pre-Hearing Conference on Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) was this date served on the following parties electronically or at the addresses listed below by U.S. First Class mail:

Date: 8/29/2013

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

ASSOCIATES CITIBANK ATTN CENTRALIZED BANKRUPTCY PO BOX 20507 KANSAS CITY MO 64195  
BANK OF AMERICA NA 400 COUNTRYWIDE WAY MAIL STOP SV-46 SIMI VALLEY CA 93065  
BANK OF AMERICA PO BOX 15026 WILMINGTON DE 19850  
BANK OF AMERICA PO BOX 660933 DALLAS TX 75266  
BARRETT DAFFIN FRAPPIER TURNER & ENGEL 15000 SURVEYOR BLVD STE 100 ADDISON TX 75001  
BECKET & LEE LLP ATTORNEYS AT LAW 16 GENERAL WARREN, PO BOX 3001 MALVERN PA 19355  
BOERNER DENNIS & FRANKLIN PLLC PO BOX 1738 LUBBOCK TX 79408  
CHASE PO BOX 15298 WILMINGTON DE 19850  
CITIFINANCIAL RETAIL SERVICES PO BOX 140489 IRVING TX 75014  
DATATRAC-SENECK MATHE 109 EDGE BROOK DR ANDERSON SC 29621  
DISCOVER FIN SVCS LLC PO BOX 15316 WILMINGTON DE 19850  
DISCOVER FINANCIAL SERVICES PO BOX 3025 NEW ALBANY OH 43054  
ELAINE WITHERSPOON 373 COTTON CANDY RD ABILENE TX 79602  
ENHANCED RECOVERY CORP ATTN CLIENT SERVICES 8014 BAYBERRY RD JACKSONVILLE FL 32256  
FORD MOTOR CREDIT COMPANY DRAWER 55-953 CHAPTER 13 PO BOX 55000 DETROIT MI 48255  
FORD MOTOR CREDIT COMPANY PO BOX 6275 DEARBORN MI 48121  
FORD MOTOR CREDIT CORPORATION NATIONAL BANKRUPTCY CENTER PO BOX 537901 LIVONIA MI 48153  
GEMB/LOWES ATTENTION: BANKRUPTCY PO BOX 103104 ROSWELL GA 30076  
GEMB-BELK PO BOX 981491 EL PASO TX 79998  
INTERNAL REVENUE SERVICE PO BOX 7317 PHILADELPHIA PA 19101  
INTERNAL REVENUE SERVICE PO BOX 7346 PHILADELPHIA PA 19101  
MCCREARY VESELKA BRAGG & ALLEN PC PO BOX 1269 ROUND ROCK TX 78680  
PORTFOLIO RECOVERY ASSOCIATES LLC PO BOX 12914 NORFOLK VA 23541  
PORTFOLIO RECOVERY ASSOCIATES LLC PO BOX 41067 NORFOLK VA 23541  
PRA RECEIVABLES MANAGEMENT PORTFOLIO REC ASSOC PO BOX 41067 NORFOLK VA 23541  
PRA RECEIVABLES MANAGEMENT PORTFOLIO RECOVERY ASSOC PO BOX 12914 NORFOLK VA 23541  
ROBERT ALLEN WITHERSPOON 373 COTTON CANDY RD ABILENE TX 79602  
SEARS/CBSD 701 EAST 60TH ST N SIOUX FALLS SD 57104  
STATE FARM BANK FSB ATTN BCC BANKRUPTCY PO BOX 2328 BLOOMINGTON IL 61702  
STATE FARM FNCL SVCS F ATTN LOAN SERVICING PO BOX 5961 MADISON WI 53705  
TAYLOR BEAN & WHITAKE ATTN: BANKRUPTCY 1417 N MAGNOLIA AVE OCALA FL 34475  
TAYLOR CO CENTRAL APPRAISAL DISTRICT 1534 SOUTH TREADWAY BLVD ABILENE TX 79602  
UNITED STATES ATTORNEY 801 CHERRY STREET UNIT 4 FT WORTH TX 76102  
US ATTORNEY ATTORNEY IN CHARGE 1100 COMMERCE STREET SUITE 300 DALLAS TX 75242  
US ATTORNEY GENERAL 10TH ST & CONSTITUTION AVE WASHINGTON DC 20530